

REMARKS

This application has been reviewed in light of the Office Action mailed October 19, 2005. Claims 1, 2 and 4 are presented for examination. Claims 3 and 5 have been cancelled without prejudice. Claims 1, 2 and 4 are all independent. Favorable review is respectfully requested.

The specification was objected to because of informalities. These informalities have been corrected as suggested by the Examiner, by submitting replacement paragraphs in accordance with 37 C.F.R. § 1.121(b)(1) and MPEP § 714(II)(B).

Claims 3 and 5 were rejected under 35 U.S.C. § 101 as claiming the same invention as in claims 2 and 3, respectively, of U.S. Pat. No. 5,729,417. In response to this rejection, claims 3 and 5 have been cancelled from the present application.

Claims 1, 2 and 4 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2 and 3 of U.S. Pat. No. 6,611,406 in view of Bienwald et al. (U.S. Pat. No. 4,568,997). The Examiner stated that a Terminal Disclaimer, filed in accordance with 37 C.F.R. § 1.321(c), would be effective to overcome the rejection. A Terminal Disclaimer with respect to the '406 patent is submitted herewith, together with the required fee under 37 C.F.R. § 1.20(d). Withdrawal of the rejection is therefore respectfully requested.

Claims 1, 2 and 4 were rejected under 35 U.S.C. § 102(b) as being anticipated by Bienwald et al. The applicants respectfully submit that claims 1, 2 and 4 are patentably distinct from the cited art, for the following reasons.

Claims 1, 2 and 4 (all independent) are each directed to a ground fault circuit interrupter, or an improvement thereof, which includes an indicating means. The indicating means automatically indicates when the ground fault current interrupter means is not properly electrically connected to a source of electrical power. In the embodiment of the ground fault circuit interrupter described in the specification, an LED 16 conducts current and thereby provides a visual signal whenever an inhibit signal 102 is not generated; the inhibit signal is prevented from being generated when the ground fault circuit interrupter is improperly wired (specification, page 9, third paragraph; and page 10, first full paragraph).

A feature recited in each of the claims is that the indication of improper wiring is automatic; that is, no action by the user of the device is required. As taught in the specification (page 2, Background of the Invention, last paragraph), the absence of an automatic indication of a miswired GFCI device is a problem not solved in the prior art.

Bienwald et al. discloses a ground fault circuit interrupter having an LED 81 which is lit whenever a ground fault is not detected; this LED is extinguished when a fault exists (col. 4, lines 60-68). However, if the ground fault circuit interrupter is improperly wired, this LED will remain lit at all times (col. 5, lines 1-5). This means that LED 81, when lit, may indicate (1) normal operation with no fault present, or (2) improper wiring. There is no automatic distinction between these two possibilities, and hence there can be no automatic indication of improper wiring. According to Bienwald et al. (col. 5, line 6; col. 5, line 67, to col. 6, line 5), it is necessary for the user to press the test button 71, and then observe whether the LED 81 remains lit, in order to interpret the LED signal as an indication of improper wiring. This is contrary to the claims of the present application, which clearly recite that the indicating means automatically indicates improper wiring of the device. Accordingly, Bienwald et al. neither discloses nor suggests the above-described feature of the claims, so that claims 1, 2 and 4 are neither anticipated nor rendered obvious by that reference.

In view of the foregoing amendments and remarks, favorable consideration and early passage to issue of the application is earnestly requested.

Respectfully submitted,



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